BILL NO. S-87-05 - 20

SPECIAL ORDINANCE NO. S-152-87

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA TO DELETE CHAPTER 29 OF THE FORT WAYNE MUNICIPAL CODE ENTITLED "TENTS" IN ITS ENTIRETY.

WHEREAS, the Fort Wayne Municipal Code is in need of revision; and

WHEREAS, Chapter 29 of the Fort Wayne Municipal Code entitled "Tents" has been determined to be superfluous, and is now covered by State Law and under the jurisdiction of the Fort Wayne Fire Department.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. Chapter 29 of the Fort Wayne Municipal Code entitled "Tents" is hereby deleted in its entirety.

SECTION 2. This ordinance shall be in full force and effect from and after its passage, and any and all necessary approval by the Mayor.

COUNCILMEMBER

APPROVED AS TO FORM AND LEGALITY.

Stanley A. Levine
Attorney for Common Council
Dated this _____ day of _____, 1987

Chapter 29

TENTS*

§ 29-1. Applicability of chapter, "exhibitor" defined.
§ 29-2. License required; prerequisite to issuance of license.
§ 29-3. Stopping sale of tickets or performance; revocation of license; reinstatement of license.
§ 29-4. Inspection of facilities and equipment.
§ 29-5. Arrangements for calling emergency equipment required.

Sec. 29-1. Applicability of chapter; "exhibitor" defined.

The provisions of this chapter shall apply to any person conducting within the corporate limits of the city or within two (2) miles thereof any circus, sideshow, bazaar, revival meeting or any other outdoor show or assemblage for any purpose whatsoever conducted under a tent in which seats are provided for the public. Hereinafter such person shall be known as the "exhibitor." (Ord. 2293, § 1)

Sec. 29-2. License required; prerequisite to issuance of license.

No assemblage coming within the purview of sections 29-1 to 29-5 shall be held or conducted and no member of the public shall be permitted inside the tents until a license shall have first been issued by the city controller to the exhibitor. The city controller shall not issue such license unless and until:

(a) *Application for license; information to be shown.* An application on forms provided by the controller shall have been filed in duplicate with the controller at least thirty (30) days before the first date of such assemblage. Such application shall contain the name and address of the exhibitor; whether it be a person, firm or corporation; if a partnership, the name and address of each partner; if a corporation, the state of incorporation, and if a foreign corporation, a consent of service of all legal process on the secretary of state, and con-

*Cross reference—Fire protection generally, Ch. 12.

sent of waiver of jurisdiction of any court of record of the county, for any legal proceedings whatsoever affecting such corporation; the day or dates of such assemblage; that the tents to be used have been fireproofed, giving the date of fireproofing and the name and address of the firm fireproofing the tents, and such other information as may be requested by the controller. One copy of such application shall be forwarded to the chief of the fire department.

(b) *Bond.* A bond executed by the exhibitor with sureties approved by the controller payable to the city shall have been furnished and filed with the controller. Such bonds shall be on forms approved by the controller and in a penal sum not less than ten thousand dollars ($10,000.00) and shall provide to save harmless and indemnify the city from any loss or damage arising out of any unlawful or negligent act of the exhibitors, and to defend any action brought against the exhibitor of the city, and pay all judgments rendered therein arising out of any unlawful or negligent act of the exhibitor.

(c) *Inspection of facilities and equipment.* An inspection shall have been made and facilities and equipment of the exhibitor approved for safety by the first date of the assemblage by the fire, police and building departments and where sanitation facilities are provided, by the board of health of such city as shown by

endorsement of an authorized representative of such departments on the application for the license of such assemblage.

(d) *License fee.* A fee has been paid the controller in an amount as now provided or as may hereafter be provided by ordinance. Unless otherwise provided, the fee for such license shall be ten dollars. (Ord. 2293, § 2.)

Sec. 29-3. Stopping sale of tickets or performance; revocation of license; reinstatement of license.

The chief of the fire department, chief of the police department or a duly authorized representative of either the fire or police department shall have the power, in the event any of the foregoing provisions or the rules and regulations made thereunder are violated, to stop the sale of tickets, and to stop the performance of any such circus, show or assemblage immediately and debar it from continuing. Any license issued for any such circus, show or assemblage may be revoked by an authorized representative of the police or fire department at any time for cause and thereupon such circus, show or assemblage must cease operation immediately and if ordered to do so to clear all tents and shall not be permitted to resume until the license is reinstated. Reinstatement must be made by the authority revoking the license. (Ord. 2293, § 4.)

Sec. 29-4. Inspection of facilities and equipment.

The inspection provided for in section 29-2 (c) shall include an approval of facilities and equipment therein required, and approval shall be given if such inspection shows:

(a) *Certificate of fireproofing.* That a certificate has been issued to the exhibitor showing that all tents to be used in connection with the assemblage have been fireproofed, stating by whom and on what date, including some positive method of identifying the fireproofed tents.

(b) *Samples proving fireproofing.* That samples from any portion of any tent as requested by the inspector have been proven to his satisfaction to be fireproof.

(c) *Removal of combustibles.* That all dry grass, papers and all other combustibles has been cut down and kept clear inside of and for a distance of ten feet from all tents.

(d) *Fire extinguishing equipment.* That an adequate supply of first aid fire extinguishing equipment is kept on hand. This equipment must be in a satisfactory state of repair; employees must be drilled on its proper use and it must be displayed at strategic locations both in and out of tents.

(e) *"No Smoking" signs.* That "No Smoking" signs are being displayed in all tents.

(f) *"No Smoking" announcements.* That frequent "No Smoking" announcements shall be made over public address system, if available.

(g) *Accumulations of paper and rubbish.* That no paper or rubbish shall be allowed at any time to accumulate under stands or chairs. Collection of paper and rubbish shall be continuous during performances.

(h) *Heating or cooking devices; other tents.* That no gasoline, gas, charcoal or any type heating or cooking devices shall be permitted in or near the main tent. All other tents or enclosures on the ground shall be subject to the same requirements as specified for the main tent, if such tents or enclosures are open to the public or are near any tents used by the public.

(i) *Electrical wiring.* That all electrical wiring is in accordance with the applicable provisions of the National Electrical Code.

(j) *Program not to include fire hazards.* That no unusual features introducing a serious fire hazard shall be incorporated in the program of the exhibitor.

(k) *Storage of volatile liquids.* That all gasoline, kerosene and all other volatile liquids shall be stored in approved safety cans and such storage shall be held to an absolute minimum.

(l) *Use of tank wagons.* That no tank wagon of any capacity shall be permitted to discharge gasoline or any other volatile liquid into a container or vehicle of any type within eighty-five feet of the main tent or any other tent occupied by the public, and that no tank truck of any capacity be allowed to stand parked in any area within eighty-five feet of main tent or any other tent occupied by the public.

(m) *Portable forges, etc.* That all portable forges and other equipment employing heat to shoe horses, repair equipment, etc., shall be kept a safe distance from all tents and other hazardous locations.

(n) *Seats, platforms, etc.* That all seats, platforms, poles and all other portions of the structure shall be reasonably sound and stable to insure the public safety.

(o) *Aisles and exits.* That provisions have been made for a sufficient number of aisles and exits to insure lighted and unobstructed passageways to areas well away from the tent or the place of such circus, show, or assemblage.

(p) *Temporary use of exitways.* That no temporary use of exitways by performers, animals, ticket booths or for any other purpose shall be permitted, to obstruct the minimum required exits. If operating requirements call for the temporary use during performances of exit spaces there shall be provided sufficient additional exit facilities so that the minimum required exit width will be freely available at all times.

(q) *Exit widths.* That a minimum exit width has been provided of approximately twenty-two inches of exit width for each one hundred persons capacity of tent.

(r) *Aisle space.* That adequate aisle space shall be maintained at all times to reach exits and no obstruction of any type shall be permitted in these aisles at any time.

(s) *Marking of exits.* That all exits for public use have been designated by a sign visible from any portion of tent.

(t) *First aid treatment.* That adequate provisions have been made for first aid treatment in case of injury. (Ord. 2293, § 3.)

Sec. 29-5. Arrangements for calling emergency equipment required.

The exhibitor shall make advance arrangements for prompt calling of fire departments and other emergency equipment that might be needed. Failure to make such arrangements shall be a cause for revoking the license. (Ord. 2293, § 5.)

Read the first time in full and on motion by Gia Quinta, seconded by Eisbart, and duly adopted, read the second time by title and referred to the Committee on Rules & Ordinances (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne Indiana, on ____, the ____ day of ____, 19____, at ____ o'clock ____ M., E.S.T.

DATE: 5-26-87

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Gia Quinta, seconded by Eisbart, and duly adopted, placed on its passage. PASSED (~~LOST~~) by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT	TO-WIT:
TOTAL VOTES	8			1	
BRADBURY	✓				
BURNS	✓				
EISBART	✓				
GiaQUINTA	✓				
HENRY	✓				
REDD	✓				
SCHMIDT	✓				
STIER	✓				
TALARICO	✓				

DATE: 6-9-87

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (~~ANNEXATION~~) (~~APPROPRIATION~~) (GENERAL) (SPECIAL) (~~ZONING MAP~~) ORDINANCE (~~RESOLUTION~~) NO. S-152-87 on the 9th day of June, 19 87,

ATTEST:
Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

(SEAL)
Mark E. Gia Quinta
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 10th day of June, 19 87, at the hour of 11:30 o'clock A.M., E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 16th day of June, 19 87, at the hour of 3:00 o'clock P.M., E.S.T.

WIN MOSES, JR., MAYOR

Hold 9th

BILL NO. S-87-05-20

REPORT OF THE COMMITTEE ON AD HOC COMMITTEE - FORT WAYNE MUNICIPAL CODE OF 1974

WE, YOUR COMMITTEE ON AD HOC COMMITTEE - FORT WAYNE MUNICIPAL CODE OF 1974 TO WHOM WAS REFERRED AN (ORDINANCE) ~~(RESOLUTION)~~ OF THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA TO DELETE CHAPTER 29 OF THE FORT WAYNE MUNICIPAL CODE ENTITLED "TENTS" IN ITS ENTIRETY

HAVE HAD SAID (ORDINANCE) ~~(RESOLUTION)~~ UNDER CONSIDERATION AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID (ORDINANCE) ~~(RESOLUTION)~~

YES	NO
Thomas C. Henry	
James S. Stier	
Samuel J. Talarico	
Mark E. Gia Quinta	
Charles B. Redd	
Don J. Schmidt	

CONCURRED IN 6-9-87

Jan C. Burns

SANDRA E. KENNEDY
CITY CLERK